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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/536,137	03/28/2000	Daniel A. Benton	FA0881 US Na	5926

23906 7590 03/11/2003

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EXAMINER

NGUYEN, CAM LINH T

ART UNIT PAPER NUMBER

2171

DATE MAILED: 03/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/536,137

Applicant(s)

BENTON ET AL.

Examiner

Cam-Linh T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1- 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Corrigan et al (U.S. 6,522,977).

♦ As per claim 1, 3, 11,

- "Gathering the VIN (vehicle identification number) and manufacturer's paint code, and manufacture date" See Fig. 1, element 10, col. 5 line 4 – 13. The paint code corresponds to the "OEM code numbers" which is the manufacturer's designated colors, and may be obtained from a manufacturer (col. 8 line 61 – col. 9 line 10). Corrigan teaches that any additional information or vehicle specific designation of the vehicle could be used to the VIN system (col. 4 line 7 – 12, 39 – 44).

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Therefore, the manufacturer's paint code may be obtained in step 10 in the invention.

- "Extracting from the VIN the model year and manufacturing site information" See col. 4 line 21 – 34, col. 8 line 60 - 66.
- "Searching database" See col. 8 line 60 - 66
- "Identifying the refinish colorcoat" See Fig. 1, col. 8 line 60 – col. 9 line 64.

◆ As per claim 2, 4, 9-10, 12,

- "A computer acting under a program" See col. 6 line 3 - 22, col. 9 line 65 – 67.

◆ As per claim 5, 7

- "Inputting the vehicle VIN" See Fig. 1, element 10, col. 5 line 4 – 13. The paint code corresponds to the "OEM code numbers" which is the manufacturer's designated colors, and may be obtained from a manufacturer (col. 8 line 61 – col. 9 line 10). Corrigan teaches that any additional information or vehicle specific designation of the vehicle could be used to the VIN system (col. 4 line 7 – 12, 39 – 44). Therefore, the manufacturer's paint code may be obtained in step 10 in the invention.
- "Inputting the manufacturer's paint code" The paint code corresponds to the "OEM code numbers" which is the manufacturer's designated colors, and may be obtained from a manufacturer (col. 8 line 61 – col. 9 line 10). Corrigan teaches that any additional information or vehicle specific designation such as paint formulations (col. 7 line 66 – 67) of the vehicle could be used to the VIN system

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(col. 4 line 7 – 12, 39 – 44). Therefore, the manufacturer's paint code may be obtained in step 10 in the invention.

- "Processing the input data" See col. 4 line 21 – 34, col. 8 line 60 - 66.
- "Executing a search for a refinish colorcoat" See col. 8 line 60 - 66
- "Displaying in human-readable" See col. 5 line 38 – 40, col. 11 line 47 – 50.

◆ As per claim 6, 8

- "Preparing an actual refinish colorcoat" See col. 11 line 59 - 64.
- "Applying the prepared refinish colorcoat" See col. 11 line 59 - 64.

◆ As per claim 13,

- "The model year and site of manufacture are ascertained from the VIN" See col. 4 line 21 - 34.

***Response to Arguments***

1. Applicant's arguments with respect to claims 1- 13 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argued in the Request for reconsideration filed on 08/05/2002 that "nowhere within the four corners of Corrigan et al. is there any indication as to how one would practically use Applicants' selected information (i.e., model year, assembly plant and manufacturer's paint code) to obtain a color match". Examiner disagreed.

In Corrigan reference, the paint code corresponds to the "OEM code numbers" which is the manufacturer's designated colors, and may be obtained from a manufacturer (col. 8 line 61 – col. 9 line 10). This manufacturer data can be add to

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the VIN number. Further, Corrigan teaches that any additional information or vehicle specific designation of the vehicle could be used to the VIN system (col. 4 line 7 – 12, 39 – 44). Therefore, the manufacturer's paint code may be obtained in step 10 in the invention.

Applicant also argued that there is no need to input physical color readings into the claim method. However, Applicant did not specify the method does not need this teaching or the method only contains those teaching that Applicant specified in the claims. Therefore, Corrigan reference still reads on the instant application.

### ***Conclusion***

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cam-Linh T. Nguyen whose telephone number is 703-305- 1951. The examiner can normally be reached on Monday - Friday from 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (703) 308- 1436. The fax phone number for the organization where this application or proceeding is assigned is 703- 746- 7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703- 305- 3900.

Cam-Linh Nguyen  
Art Unit 2171

  
SAFET METJAHIC  
SUPERVISORY PATENT EXAMINER  
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